

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Civil Action No.: 1:14-cv-767

MICHAEL WOODS, an individual;
RAMONA WOODS, an individual;
and BNT AD AGENCY, LLC,
Plaintiffs,

v.

CITY OF GREENSBORO, North Carolina, a
municipality, and the following current and
former members of the City Council in their
official and individual capacities, TONY
WILKINS, NANCY HOFFMAN, NANCY
VAUGHAN, ZACK MATHENY, MARIKAY
ABUZUAITER, T. DIANNE BELLAMY-
SMALL,
Defendants.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1441, et. seq., Defendant City of Greensboro (“the City”) and the individually named Defendants in their official capacities, by and through counsel, file this Notice of Removal of the above-styled action from the North Carolina General Court of Justice, Superior Court Division for Guilford County, in which this action is now pending, to the United States District Court for the Middle District of North Carolina, on the following grounds:

1. The Summons and Complaint in this action were filed on June 18, 2014, with the Clerk of Court for Guilford County and assigned Docket No. 14 CvS 6767, entitled Michael Woods et al. v. City of Greensboro et al. (the “State Court Action”).

The City and the individual Defendants in their official capacities were never served with the original Summons and Complaint.

2. On 11 August 2014, Plaintiffs filed an Amended Complaint and a new Summons was issued. The City and the individual Defendants in their official capacities accepted service of the Summons and Amended Complaint on 11 August 2014.

3. Pursuant to 28 U.S.C. § 1446(a), copies of all process and pleadings in the State Court Action are attached hereto as Exhibit A.

4. According to the Complaint, Plaintiffs Michael Woods and Ramona Woods are citizens and residents of Guilford County, North Carolina.

5. According to the Complaint, Plaintiff BNT Ad Agency, LLC is a North Carolina limited liability company having its principal place of business in Greensboro, North Carolina.

6. The City of Greensboro is a municipal corporation organized and existing under the laws of North Carolina with its principal place of business in Greensboro, North Carolina.

7. Tony Wilkins, Nancy Hoffman, Nancy Vaughan, Zack Matheny, Marikay Abuzuaiter, and T. Dianne Bellamy-Small are, upon information and belief, all citizens and residents of Guilford County, North Carolina.

8. In the Complaint, Plaintiff alleges causes of action for violations of 42 U.S.C. §§ 1981 and 1983 of the Equal Protection Clauses to the Fourteenth Amendment to the U.S. Constitution, violations of 42 U.S.C. § 1983 of the Due Process Clause to the

Fourteenth Amendment to the U.S. Constitution, and violations of 42 U.S.C. § 1986 by Negligent Failure to Prevent Civil Rights Violations.

9. This is a civil action over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1331 because it involves a federal question. This action is removable to this Court pursuant to the provisions of 28 U.S.C. § 1441(a).

10. The General Court of Justice, Superior Court Division for Guilford County, State of North Carolina lies within the division of the United States District Court for the Middle District of North Carolina, wherein this Notice of Removal is filed.

11. This Notice of Removal is filed within thirty days after the City of Greensboro's acceptance of service of the Amended Complaint setting forth the claim for relief upon which this action is based.

12. Copies of this Notice of Removal are today being served upon Plaintiff and delivered to the Guilford County Clerk of Court for filing.

This the 8th day of September, 2014.

/s/Patrick M. Kane

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N.C. State Bar Number 13398

Patrick M. Kane

N.C. State Bar Number 36861

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CERTIFICATE OF SERVICE

This is to certify that the foregoing document was duly served in this action by depositing a copy thereof in the United States mail, first class, postage prepaid, addressed to the following counsel of record:

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Zach Matheny, Marikay Abuzuaiter, T. Diane Bellamy-Small*

This the 8th day of September, 2014.

/s/Patrick M. Kane

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